

MINUTES OF A SPECIAL MEETING OF THE BOARD OF LOCAL IMPROVEMENTS

APRIL 16, 2009

A Special Meeting of the Board of Local Improvements convened at 4:40 p.m. on Thursday, April 16, 2009, at City Hall, Room 400, 419 Fulton Street, Peoria, Illinois, and was called to order by President Gene Hewitt.

ROLL CALL

Roll call showed the following Board of Local Improvements Members in attendance: President Gene Hewitt, Secretary Randall Ray, Board Member Erle Currie, Board Member Jeff Smith, and Board Member Amy Benecke-McLaren – 5; Absent: none.

Others in attendance included Project Engineers Nick Stoffer and Scott Reeise, and Engineering Division Secretary Ruth Blancaflor.

MINUTES

Board Member Currie moved to approve the Minutes of the Special Meeting of the Board of Local Improvements held on March 9, 2009, as printed; seconded by Board Secretary Ray.

Approved by viva voce vote.

ITEM NO. 1 REVIEW and APPROVAL of CITY OF PEORIA SPECIAL ASSESSMENT PROGRAM POLICIES AND PROCESS.

- F. Upgrading Private Streets to City Standards:**
Requires Dedication of Acceptable Right-of-Way. The following cost shares apply:
- a. Residential Street: 40% Public; 60% Private;**
 - b. Commercial Street: 100% Private Property Owner.**

In discussion with Board Member Smith regarding a precedent for upgrades of private streets through the Special Assessment process, President Hewitt said there had been one set, but that the expense of bringing a roadway up to city standards discouraged a lot of residents from going forward. He agreed that it made the Special Assessment process available to citizens, but it did not require the City to participate unless certain conditions were met—like dedication of the street.

Traffic Design Engineer Nick Stoffer added that, once the dedication was done, the street became public jurisdiction with the City responsible for its maintenance.

President Hewitt said Baring Trace is a private street in a commercial area, and the buildings are right against the right of way. He said representatives in that area had asked a couple of times about having the city take it over, and it is wide enough, but it isn't built to the structural number it should be. He reiterated it is expensive to bring it up to standard. For instance, he said, the Thousand Oaks Subdivision spent about \$250,000, mostly because of the sewer system, to bring their street up to city standard.

There was no further discussion regarding this policy subject.

II. A. 3. The Petition Process for a Public Improvement Project

There was a discussion regarding notification to residents of pending projects. As a result of the discussion, the Board directed that:

- Paragraphs II.A.3. and V.a. and V.b. be followed so that, immediately after a Petition is accepted by the Board of Local Improvements, (1) a letter should go out advising the residents of the proposed project and that (2) it should qualify that the costs given are based on estimates, and (3) should direct property owners to the City's web site for information regarding the project's status.

III. COST-SHARING GUIDELINES FOR SPECIFIC PROJECTS:

D. Alley Reconstruction:

- a. Residential Properties: Public contributes 50%; the adjacent Property Owner contributes 50% of the cost;
- b. Commercial properties: Commercial Property Owner contributes 100%, in that instance;**
- c. Mixed Residential & Commercial Properties:**
 - i. 100% of commercial portions to commercial properties;**
 - ii. 50% of residential portions to residential properties, but Not to Exceed \$_____ Per Residence**
 - iii. Balance of Cost to Public share.**

Board Member Currie questioned the reason for the blank in subparagraph c. ii.

President Hewitt explained previous projects utilizing this policy had a \$500 cap, per residence. He said, generally, half the alley was commercial running parallel to a major street and that it may have as few as two residences on the street. Therefore, he said, it didn't seem fair to the residential owners to split that much of the costs of an alley reconstruction. He said the number in the policy, from a long time ago, was 50:50 and it was capped at \$500. At the time, he said they felt that probably identified a fair number; but the question now is should that number be raised?

Secretary Ray said if that \$500 cap amount was still payable over 10 years, it seemed like more work for staff than it was worth.

Board Member Currie said he recalled that most of the frontages would be narrow to begin with, and President Hewitt concurred but, he said, in the case of just two properties, it was a lot. He said a 50' lot at \$10 per front foot would be \$500, so that was kind of where the number came from.

Board Member McLaren questioned whether it would be a judgment call, based on the use of the property, and President Hewitt stated it was according to the zoning.

In further discussion, Secretary Ray explained this policy change would need City Council approval, since it would set forth the public and private shares. He recommended the cap be changed to at least \$800, today.

Board Members Currie and Smith concurred that \$1,000 would reflect a fair cap, currently, since the previous cap was set approximately 20 years ago.

Board Member Currie moved to revise the Special Assessment Policy cost sharing guidelines for Alley Reconstruction, Mixed Residential and Commercial Properties to 50% of residential portions to residential properties, but Not To Exceed \$1,000 per Residence; seconded by Board Secretary Ray.

Mr. Reeise stated that the assessments for the properties on the alley project in The Uplands were \$2,000 per lot. He said those alleys were H-shaped, so everybody had 40' lots except the people on the corners, and that is why they were assessed on a per-lot basis.

President Hewitt concurred with Secretary Ray's contention that the commercial property was the driver for having the Not to Exceed amount in the case when it was mixed residential and commercial zoning.

Motion to revise the Special Assessment Policy cost sharing guidelines for Alley Reconstruction, Mixed Residential and Commercial Properties to 50% of residential portions to residential properties, but Not To Exceed **\$1,000** per Residence was approved by viva voce vote.

DISCUSSION REGARDING CONSISTENT WORDING

- Board Member Smith suggested that the shares language be consistent, so that the Policy should state City of Peoria share and Private share.

There were no objections from the Board.

III. COST-SHARING GUIDELINES FOR SPECIFIC PROJECTS:

H. Downtown Peoria Areas:

e. Vaults:

- i. Fill: 50% Public: 50% Private Property Owner;**
- ii. Structural Work to Allow Property Owner to Retain Vault: 100% Private Property Owner.**

Board Member Smith directed that the Vaults item also be included in Paragraph I, under Types of Public Improvement Projects.

President Hewitt explained that the use of the Special Assessment process for vaults was usually ancillary to sidewalk replacement by downtown property owners. He said if a vault is present under the sidewalk, and they want to keep their vault, there is no Sidewalk Participation share—the property owner pays 100% for the walk reconstruction. However, if they are willing to fill the vault, the Fill participation is as set forth in the Policy and the City will also provide Sidewalk Participation for the sidewalk reconstruction.

President Hewitt further explained the current Policy came about when downtown was being developed. He said it is to the City's advantage to get rid of the vault and most of the property owners that have them are more than happy to be rid of them. In the past, he said, they were used for storage; now, they are mostly only used for utilities.

In further discussion, Mr. Hewitt said he didn't think the Policy was cited in the Peoria City Code. He said it came from downtown streetscape projects.

- Secretary Ray stated the Policy needed to include the statement that its adoption revoked any former policy and it represented the entire policy with regard to Special Assessment.
 - It was decided that this would take place as the Policy went to City Council for approval.

II. THE PROCESS FOR A PUBLIC IMPROVEMENT PROJECT:

5. Action by the Board of Local Improvements:

- b. If the project's cost is estimated to be greater than \$200,000, the Board's Recommendation and the Proposed Ordinance must be published in the newspaper at least ten (10) days prior to City Council action.*

There was a discussion regarding increasing the dollar amount for a project before it must be published prior to Council action. The cost to publish the Proposed Ordinance in the Journal Star is very expensive and, therefore, the Board would like to see it changed. Secretary Ray suggested the amount be \$400,000 and President Hewitt suggested the amount be \$1 million.

President Hewitt also suggested the 10-day publication requirement should be reduced.

Secretary Ray questioned whether a Proposed Ordinance was posted on the city's web site. He said that cost would be negligible, as opposed to publishing it in the Journal Star. He said he would draft an Ordinance for Council adoption to be consistent with these items.

- Board Member Benecke-McLaren directed that accepted, pending projects should be reflected as such on the city's web site.

With all of those modifications, Board Member Currie moved that the Board of Local Improvements approve the Special Assessment Program Policies and Process and forward it to the Peoria City Council for approval; seconded by Secretary Ray.

Approved by viva voce vote.

REQUEST TO MOVE AGENDA ITEMS FORWARD

Board Member Currie moved to move Agenda Items #3 and 4 forward on the Board of Local Improvements' Agenda for discussion at this time; seconded by Board Member Benecke-McLaren.

Approved by viva voce vote.

ITEM NO. 3: PUBLIC HEARING – Regarding the Construction of the Proposed Improvement Known as the STONEGATE ROAD (NORTH STREET TO LAKE AVENUE) ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT, the Net Length of 1,505 Feet or 0.285 Miles; [Council District 3].

At 5:20 p.m., President Hewitt announced the Public Hearing regarding the construction of the Stonegate Road (North Street to Lake Avenue) Ornamental Street Lighting Improvement Project. He stated that, since the mailing of the Notices of Public Hearing, the City Engineer's office had received three letters in opposition to the project.

President Hewitt made the attached presentation and then opened the floor for questions concerning the Project. Seven (7) properties were represented at the Public Hearing.

Issues and concerns addressed by citizens included:

Mr. Tom Kestner, resident of 315 W. Stonegate Road, Peoria, questioned the type of light to be installed.

Project Engineer Scott Reeise stated the lights had an acorn fixture with a 10-foot fluted aluminum pole.

Mr. Kestner stated that was the type of light that had been requested when he circulated the petition.

Mr. Rich Hevesy, resident of 123 W. Stonegate Road, Peoria, presented a petition in opposition to the project to the Board of Local Improvements. He said when he received the Notice of Public Hearing with the assessment information, he was shocked at the cost stated. He said he had lived in the Stonegate neighborhood since 1972. Two years ago, he said the neighborhood paid about \$700 to \$800 for sidewalk. He said when the current petition was brought around, they were told the cost might be in the same range of the sidewalk, but it is different. He said they did have street lighting.

Mr. Hevesy stated that an owner of every house on his side of the street, with the exception of one person, signed the petition which he presented to the Board. In 2006 when this started, he said the stock market was healthy and the economy is in the tank now. He said there were over 700 people looking for work in his Local union, and there were 1700 in Chicago, so the economy is totally different from 2006. He said he presented this Petition so the Board could see the number of people who did sign it and he requested that the project be put on hold. He said \$2,000 was a large amount for an assessment.

President Hewitt stated that special assessments are payable over a number of years.

Board Member Benecke-McLaren moved to receive and file the Petitions in opposition to the proposed ornamental street lighting project on Stonegate Road and make them a part of the permanent record; seconded by Board Member Currie.

Approved by viva voce vote.

Ms. Maureen DeArmond, resident of 111 W Stonegate Road, Peoria, said she believed the cost for the ornamental lights would be around \$400 to \$500. She said she was willing to pay that then but, in 2009, she didn't believe these ornamental lights would benefit her house. She said she had a corner property and the other residents were retirees. She said the Petition was three years old and it must be stale. She said the new petition has over half of the owners who signed and oppose the project. She said she thought the original proposal was materially changed since it was presented to her and she had signed the original petition. She said she would challenge the project at every step.

Mr. Jack Dougherty, resident of 209 W. Stonegate Road, Peoria, questioned whether the assessment rate was per lot. He said he had recently been laid off, so the assessment would therefore be a large burden for his household. He said he realized the payment was stretched

out but, considering the economic situation today, it was not desirable. He said he didn't want to have a lien against his property. He thanked the Board for their service to the city of Peoria.

Ms. Cathy Hamilton, resident of 116 W. Stonegate Road, Peoria, said she had been assessed for two properties on the sidewalk project previously, so adding another assessment to her property would definitely cut into her budget. She said the yards in the neighborhood reflected the beautiful maintenance work done by the residents and the lights weren't necessary to add to that. She questioned what percentage the petition in opposition would need to be in order for the project to be canceled.

President Hewitt thanked the residents for attending the Hearing. He said the Board had a 63% majority petition, so the City Council would have to decide whether or not to accept the Board's recommendation and proposed Ordinance for the project to go forward.

The Board members reviewed the Petition in Opposition which had been presented to them. They noted there were 18 households represented by signatures.

Mr. Bob Van Deveer, resident of 115 W. Stonegate Road, Peoria, questioned the light placement in relation to underground sump pipes.

Project Engineer Reeise stated the lights would be placed directly behind the sidewalk which Mr. Van Deveer stated was also the location of the underground pipes.

In further discussion with Mr. Hevesy, Project Engineer Reeise explained the lights were 100-watt high-pressure sodium fixtures.

Ms. Patti Staton, resident of 205 W. Stonegate Road, Peoria, questioned why there seemed to be such a discrepancy in the cost from what they were told at the beginning and that reflected in the Notice of Public Hearing. She also questioned whether fewer lights could be installed, in order to bring down the cost.

President Hewitt stated the copper wire and underground work for a lighting system were the most costly parts of the lighting installation. He stated that there were Community Development Block Grant funds available to help pay for part of the assessment for homeowners who qualified under HUD low income guidelines.

Mr. Dougherty questioned what would happen to the poles for the lights that were currently in place and President Hewitt stated that, generally, the lights would be turned off and the poles would eventually be taken out.

Mr. Dougherty asked how they could determine why the first costs given were \$400 to \$500.

President Hewitt stated that the original letter to the neighborhood representative who circulated the Petition in 2005 quoted an estimated cost of \$18 to \$22 per front foot. He explained that, with an average lot of 75' at \$20 per front foot, the assessment would be \$1,500.00. He said the original letter also stated the project may take two to three years to be funded.

Mr. Kestner stated the project would increase the value of their properties and that lighting was a crime deterrent.

Mr. Hevesy expressed concern that there would be 32 properties affected.

Ms. Hamilton questioned why it was necessary for the project to proceed to the City Council.

Secretary Ray explained that the Board may pass a recommendation of an ordinance to the City Council but that didn't mean it would definitely be final. However, he said, there were people who had gone to the trouble to pass the majority petitions and they should be considered.

Since he had been principally involved in all of the Special Assessment projects on West Stonegate Road, Secretary Ray asked Mr. Kestner whether he had any interest in taking the time to submit a "pro" side of the current interest.

Mr. Kestner said he would be willing, but he believed quite a few of the former residents had passed away and he thought at this period of time, with the poor economic situation the area was experiencing, most of them would go against it.

In discussion with Secretary Ray, Mr. Hevesy stated he would prefer the project be indefinitely postponed.

The residents stated their main objection was the current, poor economic situation.

There being no further discussion, Board Member Currie moved to close the Public Hearing; seconded by Board Secretary Ray.

Approved by viva voce vote.

The Public Hearing regarding the Stonegate Road (North Street to Lake Avenue) Ornamental Street Lighting Improvement Project closed at 6:10 p.m.

ITEM NO. 4 CONSIDERATION of RECOMMENDATION of ORDINANCE Concerning the Proposed Public Improvement of the STONEGATE ROAD (NORTH STREET TO LAKE AVENUE) ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT to the PEORIA CITY COUNCIL for APPROVAL.

After a brief discussion, Board Member Smith moved for the Project to be rejected; seconded by Secretary Ray.

Secretary Ray stated that the economy was also different for the city of Peoria and that he didn't believe it was wise to be spending money on ornamental lighting for citizens who didn't want it.

Motion to Reject the Stonegate Road (North Street to Lake Avenue) Ornamental Street Lighting Improvement Project was approved by roll call vote.

Yeas: Ray, Benecke-McLaren, Smith – 3.

Nays: Hewitt, Currie – 2.

ITEM NO. 2 RECEIVE AND FILE REPORT on 2009 SPECIAL ASSESSMENT PROGRAM PROJECTS.

Secretary Ray moved to defer the Report on the 2009 Special Assessment Program Projects to the next meeting of the Board of Local Improvements; seconded by Board Member Currie.

Approved by viva voce vote.

Next Meeting of the Board of Local Improvements:

The Board Members concurred to schedule their next evening meeting for a Monday or a Wednesday. They stated that daytime meetings could be scheduled on mostly any weekday.

ADJOURNMENT

Board Member Benecke-McLaren moved to adjourn the meeting; seconded by Board Member Currie.

Approved by viva voce vote.

The Special Meeting of the Board of Local Improvements adjourned at 6:17 p.m.

Gene Hewitt, President

/Rmb

Attachments